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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TOM SCOCCA, MADISON  
SOCIETY, INC., and THE  
CALGUNS FOUNDATION, INC.,

Plaintiffs,

vs.

SHERIFF LAURIE SMITH (In her  
individual and official capacity.),  
COUNTY OF SANTA CLARA, and  
DOES 1 to 20,

Defendants.

Case No.: CV 11 01318 - EMC

**STIPULATION AND ORDER**

- 1. Dismissal of Action**
- 2. Vacate CMC**

The parties, by and through their counsel of record, hereby stipulate as follows:

1. On January 14, 2013, the Court issued an order staying this case until the Ninth Circuit ruled on *Richards v. Prieto (Yolo County)*, Case No.: 11-16255 and *Peruta v. County of San Diego*, Case No.: 10-56971.

2. The Ninth Circuit issued its opinion in that matter on June 9, 2016.
3. Pursuant to prior orders, the Plaintiffs filed a notice of that disposition on June 15, 2016. (Doc #100)
4. This matter is on for Case Management Conference on November 10, 2016 at 10:30 a.m. in Courtroom 5, 17<sup>th</sup> Floor, of the San Francisco Courthouse.
5. On June 23, 2016, the Appellants in *Richards* and *Peruta*, filed petitions for Full Court en banc.
6. On June 24, 2016, the Ninth Circuit ordered the Appellees and Intervenor to file a response to those petitions.
7. On August 15, 2016, the Ninth Circuit filed an order that the petition for full court en banc review had been denied.
8. The parties have met and conferred on this matter and request the following orders from the Court:
  - A. Plaintiffs agree to dismiss this action with prejudice.
  - B. Defendant Laurie Smith (in her capacity as Sheriff of Santa Clara County), agrees to consider any future application for a Concealed Carry Weapons permit from plaintiff Tom Scocca *de novo*.
  - C. Plaintiffs agree that the Sheriff's consideration of a future application for a concealed carry weapons permit by Plaintiff Tom Scocca does not imply or guarantee that the application will be granted.
  - D. The parties agree to bear their own attorney fees and costs through the filing of this dismissal.
  - E. All future court hearings, conferences and due dates are vacated.

**SO STIPULATED.**

Date: September 26, 2016

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/s/  
Melissa Kiniyalocis,  
Counsel for Defendants

/s/  
Donald Kilmer  
Counsel for Plaintiffs

**ORDER**

Pursuant to the stipulation and agreement of the parties, this matter is dismissed with prejudice. The parties shall bear their own attorney fees and costs.

The Case Management Conference set on November 10, 2016 at 10:30 a.m. in Courtroom 5, 17<sup>th</sup> Floor, of the San Francisco Courthouse is vacated and all other deadlines and due dates are vacated.

**SO ORDERED.**

Date: 10/5/2016

